

### Remarks

Claims 4 and 6 have been amended. No claims have been canceled. Therefore, claims 2-6, 12-20, 22, 24, and 25 are now presented for examination.

Claims 2-6, 12-20, 22, 24, and 25 stand rejected as being based upon a defective reissue declaration under 35 U.S.C. 251. A declaration under 37 CFR § 1.175(b)(1) is submitted herewith.

Claims 2 and 4-6 stand rejected under 35 U.S.C. §102 (e) as being anticipated by Chuang et al. (U.S. Patent No. 5,212,831). Applicant submits claims 2, 4 and 5 are patentable over Chuang.

Chuang discloses a low power portable TDM/TDMA digital telephony system that utilizes a fixed base unit (referred to as a "port") and a number of mobile transceivers (each of which is referred to as a "portable"). Through use of time division multiple access (TDMA), each portable can access the port through a separate demand-assigned TDMA channel to carry duplex communication on a time division multiplexed (TDM) basis therebetween. The power used by the transmitter in each portable ranges between 5-10 milliwatts or less on average and provide a range of several hundred to a thousand feet between a port and each of its portables. See Chuang at col. 10, ll. 22-35. The system replaces local copper drops and telephone cords with short range low power radio links, ambulatory callers are provided with completely tetherless access. Thus, callers located within respective residences are completely free to move within the entire service area provided by system 5 (col. 11, ll. 22-33).

Claim 4 recites a pattern of cellular radio communication cells and a base station dynamically assigned a first transmission frequency for transmitting to a first cell in said pattern of cells, said first transmission frequency not being assigned to any base station for transmitting to any cell in said pattern of cells adjacent to said first cell. Applicants submit that there is no disclosure of cellular radio communication cells in Chuang.

Therefore, claim 4 is patentable over Chuang.

Claim 2 depends from claim 1 and includes additional limitations. Therefore, claim 2 is also patentable over Chuang.

Claim 6 recites a pattern of cellular radio communication cells and a base station dynamically assigned a first transmission frequency for transmitting to a first cell in said pattern of cells, said first transmission frequency not being assigned to any base station for transmitting to any cell in said pattern of cells adjacent to said first cell. For the reasons described above with respect to claim 4, claim 6 is patentable over Chuang.


Applicant respectfully submits that the rejections have been overcome, and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Mark L. Watson  
Reg. No. 46,322

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1026  
(303) 740-1980